

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AMEL DALLUGE,

Petitioner,

NO. CV-08-0171-CI

vs.

MAGGIE MILLER-STOUT,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

Magistrate Judge Imbrogno filed a Report and Recommendation on March 19, 2009, recommending Respondent's Motion to Dismiss be granted and Petitioner's application for habeas relief be dismissed without prejudice. (Ct. Rec. 22.) Petitioner filed a timely objection on March 30, 2009. (Ct. Rec. 24.) Although Petitioner objected to the Respondent's suggestion that he might be able to exhaust his claims in state court, he did not present any objections to the Magistrate Judge's findings. After review, the Court **ADOPTS** the Report and Recommendation's analysis and conclusions and declines to makes findings regarding state procedural bar issues.

Accordingly, **IT IS HEREBY ORDERED:**

1. Respondent's Motion to Dismiss (**Ct. Rec. 21**) is **GRANTED**.
 2. The Petition for Writ of Habeas Corpus (**Ct. Recs. 1, 5**) is **DISMISSED WITHOUT PREJUDICE**.

3. **Judgment** shall be entered for Respondent without prejudice.

4. The file shall be **CLOSED**.

IT IS SO ORDERED. The District Court Executive shall forward copies of this Order to the Petitioner and counsel for Respondent.

DATED this 6th day of April 2009.

S/ Edward F. Shea

EDWARD F. SHEA

United States District Judge

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